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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,575	04/15/2004	Tomi Heinonen	P3002US00	8670

30671 7590 10/26/2009
DITTHAVONG MORI & STEINER, P.C.
918 Prince St.
Alexandria, VA 22314

EXAMINER

RAJAN, KAI

ART UNIT	PAPER NUMBER
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3769

MAIL DATE	DELIVERY MODE
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10/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/825,575	Applicant(s) HEINONEN ET AL.	
	Examiner Kai Rajan	Art Unit 3769	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kai Rajan/
 Examiner, Art Unit 3769

/Michael C. Astorino/
 Primary Examiner, Art Unit 3769

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant contends that the applied prior art fails to disclose: 1) a first signal comprising at least a general broadcast emergency signal; 2) transmitting from the mobile wireless event handling device to a target, a second signal; and 3) processing a broadcast signal before transmitting a signal to a target.

Regarding issue 1, Lowell et al. (hereinafter "Lowell") disclose sensor device 27 wirelessly connected to loop processor 28 (Column 6 lines 26 - 50). Upon detection of abnormal data, the sensor transmits alarm indications to the loop processor (Column 5 lines 1 - 5, 33 - 36). Absent a definition of "broadcast" from the specification, the Examiner has relied on external dictionaries, in which the broadest reasonable interpretation of "broadcast" which is "to transmit by means of radio." As such, since the sensor and loop processor are in wireless communication, and in column 7 lines 25 - 31 Lowell states that Bluetooth may be used to communicate between system components, the prior art discloses transmitting a "broadcast emergency signal" from the sensor device 27 to loop processor 28. Additionally, the Examiner notes that neither the term "general" nor "general broadcast" are defined within the specification and therefore are given the broadest reasonable interpretation within the scope of the invention, which in the instant application comprises wireless radio transmissions between transmitting and receiving devices.

Regarding issue 2, Lowell disclose the loop processor 28 sending alarm signals through broadcast initiator 31 to AED machines, emergency response centers (Column 5 lines 1 - 15). Even though the term "target" is not defined within the specification let alone explicitly mentioned, the prior art teaches transmitting a signal to certain recipients. The broadest reasonable definition of the term "target" within the scope of the invention is "any object used for this purpose" (dictionary.com). Since Lowell teaches transmitting alarm signals to AED machines or emergency response centers which are used for the purpose of aiding the patient, the prior art teaches "transmitting to a target, a second signal." The signal is a second signal on a second network because it is transmitted from a different device (broadcast initiator 31) than the signal from the sensor to loop processor, and it is sent on a different network (long range transmitter or cellular network (Column 6 lines 51 - 65).

Regarding issue 3, Lowell disclose receiving the alarm signal from sensor 27 at loop processor 28 (Column 5 lines 1 - 15). A personal alarm is communicated to the patient for several seconds before sending the alarm to broadcast initiator 31. The signal is processed since it is received by the loop processor, queued during the personal alarm period, and then sent to broadcast initiator for transmission. Since Lowell disclose transmitting the signal from the broadcast initiator to specific recipients like AED machines or emergency response centers (Column 5 lines 1 - 15), a "target" is determined by the system.

Regarding other structural claim limitations and elements that recite "configured to/for," "adapted to/for," and "wherein," the Applicant is reminded that these are recitations of intended use. Examples of this are (but not limited to) claims 21 and 36, which disclose "transmitting module adapted to transmit signals." As such, if the structure of the applied prior art is capable of performing the intended use, then it meets the claim. Applicant may overcome interpretation of intended use by positively claiming the functions being performed, such as "transmitting module transmits signals."

The Applicant is invited to request an interview to discuss the interpretation of the claims and suggestions to advance prosecution of the case..